# CITY OF CANAL FULTON CITY COUNCIL MEETING AGENDA

January 5, 2010

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. ELECTION OF PRESIDENT PRO TEMPORE
- 5. <u>ELECTION OF COMMITTEE ON</u> COMMITTEES MEMBERS (2)
- 6. CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

December 15, 2009

- 7. REPORTS OF STANDING COMMITTEES
- 8. <u>CITIZENS' COMMENTS AGENDA MATTERS</u> (<u>Five Minutes per Individual – No Yield</u>)
- 9. REPORTS OF ADMINISTRATIVE OFFICERS
  - A. Senior Citizens
  - **B.** Community Service Coordinator
  - C. Fire Chief

Promotions (2)

- D. Police Chief
- E. Engineer/Streets/Public Utilities
- F. Finance Director
- G. City Manager
- H. Report of Mayor

HPC Business Owner Appointment Senior Citizen Commission (2)

- I. Parks & Recreation Board
- J. Law Director

#### 10. THIRD READINGS

Resolution 31-09: A Resolution By the Council of the City of Canal Fulton, Ohio to Enter Into A Supplemental Sewer Service Agreement with Stark County, Ohio

#### 11. SECOND READINGS

Ordinance 47-09: An Ordinance By the Council of Canal Fulton, Ohio to Name the Safety Services Center in Canal Fulton After Eugene M. Fellmeth.

Resolution 34-09: A Resolution By the Council of Canal Fulton, Ohio Proclaiming Support For the Community Plan

Resolution 35-09: A Resolution By the Council of the City of Canal Fulton, Ohio to Enter Into a Contract With Metro Disposal for Trash Collection

### 12. FIRST READINGS

Resolution 1-10: A Resolution to Establish and Adopt Rules and Regulations for the Council of the City of Canal Fulton and Repealing All Prior Rules and Regulations Inconsistent Herewith.

### 13.PURCHASE ORDERS & BILLS

BILLS: \$129,999.60

- 14. OLD/NEW/OTHER BUSINESS
- 15. REPORT OF PRESIDENT PRO TEMPORE
- 16. REPORT OF SPECIAL COMMITTEES
- 17. <u>CITIZENS COMMENTS Open Discussion</u>
  (Five Minute Rule)
- 18. ADJOURNMENT

Minutes of

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December 15, 2009 Held\_ 20

#### **COUNCIL MEETING**

Nellie Cihon, Council President called the December 15, 2009 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

#### PLEDGE OF ALLEGIANCE

#### **ROLL CALL**

Present: Diane Downing, James Deans, Danny Losch, Nellie Cihon, Linda Zahirsky and Matthew Moellendick.

Absent: John Grogan, Mayor

Others Present: Mark Cozy, City Manager; Scott Fellmeth, Law Director; Tammy Marthey, Clerk of Council; Scott Svab, Finance Director; Ray Green, Chief; Daniel P. Mayberry, Service Director; Chell Rossi, David Cornelius, Victor Colaianni and Ken Roberts, Residents; Sue Mayberry and Paul Bagocius, Council Elect; Joan Porter, Repository; Amy Knapp. Independent.

#### CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved for approval of the record of proceedings, seconded by Mr. Deans. ROLL: Yes, Mrs. Downing, Mr. Deans, Mrs. Cihon, Mrs. Zahirsky and Mr. Moellendick. Abstain, Mr. Losch.

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS - AGENDA MATTERS - None

#### REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) - No Report

COMMUNITY SERVICE (John Murphy, Coordinator) - Written

FIRE CHIEF (Ray Green, Fire Chief)

Stark County Fire Chief Meeting: Chief Green stated the Stark County Fire Chief's meet to discuss the SCOG proposal on centralized dispatching. All chiefs unanimously voted to encourage the planning committee and SCOG to put money into fixing the current system so calls aren't dropped. With existing technology, transferred calls shouldn't get dropped and this can be fixed with money commissioners have allotted.

There are still questions about the centralized plan and how are they going to handle service calls i.e. the street and utility after hour calls. They don't want to do this at the centralized dispatch center.

There is also an option with Cencom to have fire alarms monitored for free. The schools are moving their monitoring to CENCOM. They would also be able to monitor the cities alarms and the library alarm at no charge.

Minutes of

December 15, 2009 Held\_ 20

Meeting

Mr. Svab stated problems he saw with projections it is based on every political subdivision doing it. If they don't, we may pay more.

Chief Green stated they also didn't factor in private fire companies.

Mr. Cozy stated they need to do what is going to favor all the cities.

Chief Green stated anyone who wants to see how Cencom works. Chief Peterson has extended an invitation to anyone wishing to visit and see how the technology works.

Chief Green stated he serves as the alternate to Chief Burgasser on the Fire Chief's Association, and he has expressed his concern about his questions not being answered on the staffing and training of the staff.

## POLICE DEPARTMENT (Doug Swartz, Lieutenant) - Not Present

## ENGINEER/STREETS/PUBLIC UTILITIES (Dan Mayberry)

Lakewood Estates: Mr. Mayberry reported this project is shut down for the winter.

Christmas Trees: Mr. Mayberry reported the Christmas trees will be accepted at the yard waste recycle bin at the Street Garage.

#### FINANCE DIRECTOR (Scott Svab)

November Financial Statement: The statement is included in the packet and will need a voice motion.

EMS Billing: The EMS billing to date is \$98,124. There are currently 29 EMS runs waiting for payment.

Income Tax Revenue: Mr. Svab reported the income tax revenue is higher than estimated and they have met their goal. The City should be in good financial shape next year.

Water Rates: Mr. Svab reported he has spoken to Mr. Mayberry and Mr. Cozy about the water rates for next year. He would like for the committee get together and explore different things they can do for the water rates. If expenses keep increasing, they are going to have to do something to reflect the challenge.

Purchase Orders: Mr. Svab stated he had five additional purchase orders. They are for the add-ons for the light bar, car video camera.

Auditor of State Contract: Mr. Svab stated this was passed out. This is the contract for 2009 audit for the GAAP conversion. He stated he held off on this because he didn't want to pay them. They wanted the City to sign the contract earlier. He stated he gave a verbal commitment that we were going to go with the local government service section of the auditor of state that had done the audit the past two years. He stated the last two years they charged \$16,500. He stated this year he told them he wanted to do a little more with them and the price was adjusted to \$12,500. He stated we are going to do a lot more information compilation in the format that they want. He stated eventually, maybe into next year, he may try to

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compile the statement himself. He stated the software is free to cities and municipalities. He stated we have to give the auditors permission to use it. He stated when they take our cash financial statements and convert into the GAAP format, its time consuming but it is a method of filling in the blanks.

Mrs. Zahirsky moved receipt of November 2009 financial statement, second Mr. Moellendick. ROLL: Yes, ALL.

#### **CITY MANAGER (Mark Cozy)**

<u>Liquor Control Board</u>: Mr. Cozy stated there is information regarding the businesses in town that have liquor licenses from the Liquor Control Board. They are all up for renewal in February. The Police Chief Review and lets us know if they have any objects or would like to request a hearing.

<u>Christmas Tree</u>: Mr. Cozy reported he has had numerous comments on the downtown tree. He stated Mr. Richard Urbanek donated the tree.

Resolution 33-09 Mr. Cozy stated Resolution 33-09 is to enter into contract with Wenger Excavating for the Marshallville Sanitary Sewer Project. He is requesting that it be passed under emergency. The federal government wants entered into contract by the end of the year. We have been waiting on Ohio EPA for approval. We opened bids in September. Bid need awarded by Dec 18 to guaranty price.

The bids for this project came in low, about 50% less than the estimated project.

# REPORT OF MAYOR - Not Present (Mrs. Cihon did appointment to Senior Citizen Commission)

#### Senior Citizen Commission:

Mr. Deans stated that he would like to recommend Eva Potter to serve on the Senior Citizen Commission, seconded by Mrs. Downing. ROLL: Yes, Mrs. Downing, Mr. Deans, Mr. Losch, Mrs. Zahirsky and Mr. Moellendick. Abstain, Mrs. Cihon.

<u>Executive Session</u>: Mrs. Cihon stated there is a need at the end of the meeting for an executive session regarding the appointment of an employee or official.

PARKS & RECREATION BOARD (Fred Fleming) - Not Present Mrs. Cihon reported there was a month end report for the Canalway Center from Mrs. Higgins.

#### LAW DIRECTOR (Scott Fellmeth)

Law Director Fellmeth thanked Mr. Deans and Mrs. Downing for their diligence to the citizens as Council persons.

Mrs. Cihon presented Mr. Deans and Mrs. Downing with a proclamation for their service on Council.

# RECORD OF PROCEEDINGS

| _Minutes of                            | CITY OF CANAL FULTON | Meeting |
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|  |                      | •       |
| DAYTON LEGAL BLANK INC. FORM NO. 10148 |                      |         |
|  | December 15, 2009    | !!      |

#### **THIRD READINGS**

Held

Resolution 30-09: A Resolution By the Council of the City of Canal Fulton, Ohio Authorizing the City Manager to Enter Into a Contract to Rent the Hatfield Parking Lot.

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Mrs. Zahirsky moved to approve Resolution 30-09, seconded by Mr. Losch. ROLL: Yes, ALL.

Mrs. Zahirsky stated when they look at what they are spending; she hopes there is a way to see if it helps the businesses.

Mr. Cozy stated he has talked to business owners at Chamber meetings and knocking on doors, and they are all supportive:

Law Director Fellmeth stated is a three year lease, but they can opt out at one year.

Mr. Losch asked about signage. Mr. Cozy stated signage has been ordered.

Ordinance 36-09: An Ordinance By the Council of the City of Canal Fulton, Ohio for Illicit Discharge and Illegal Connection Control to Its Municipal Separate Storm Sewer System (MS4).

Mr. Moellendick moved to approve Ordinance 36-09, seconded by Mrs. Zahirsky. ROLL: Yes, ALL.

Ordinance 37-09: An Ordinance By the Council of the City of Canal Fulton, Ohio to Implement a Storm Water Management Program.

Mr. Moellendick moved to approve Ordinance 37-09, seconded by Mrs. Zahirsky. ROLL: Yes, ALL.

Ordinance 38-09: An Ordinance Amending the Codified Ordinances of the General Offenses Code of the City of Canal Fulton, Ohio in Order to Amend Chapter 505.11 Regarding Hunting Regulations and Repealing Any Ordinances in Conflict Therewith.

Mr. Losch moved to approve Ordinance 38-09, seconded by Mr. Deans. ROLL: Yes, ALL.

Ordinance 39-09: An Ordinance By the Council of the City of Canal Fulton, Ohio to Partially Accept Streets and Public Utilities for Discovery Park Phase 2.

Mr. Moellendick moved to approve Ordinance 39-09, seconded by Mrs. Zahirsky. ROLL: Yes, ALL.

#### **SECOND READINGS**

**Resolution 31-09**: A Resolution By the council of the city of Canal Fulton, Ohio to Enter Into A Supplemental Sewer Service Agreement with Stark County, Ohio.

STANDS AS SECOND READING

Minutes of

Meeting

| DAYTON LEGAL BLANK, INC., FORM NO 10148 |                   |    |
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Ordinance 41-09: An Ordinance Amending Ordinance 4-09, Rate of Pay for Income Tax Clerical, and Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on Ordinance 41-09, seconded by Mr. Deans. ROLL: Yes, ALL.

Mrs. Zahirsky moved for passage under suspension, seconded by Mr. Deans. ROLL: Yes, ALL.

Ordinance 42-09: An Ordinance Amending Ordinance 6-09, Section of Rates of Pay for Fire Captains and Eliminating Fire Lieutenant Position and Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on Ordinance 42-09, seconded by Mr. Deans. ROLL: Yes, ALL.

Mrs. Zahirsky moved for passage under suspension, seconded by Mrs. Downing. ROLL: Yes, ALL.

Mrs. Zahirsky asked if the township was on board with this.

Chief Green stated yes.

Ordinance 44-09: An Ordinance Establishing Rates of Pay for Various Part-Time Positions Within the City of Canal Fulton Effective January 1, 2010, and Adding Holiday Pay for Day Crew Shift, and Repealing Any Ordinances In Conflict Therewith, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on Ordinance 44-09, seconded by Mr. Deans. ROLL: Yes, ALL

Mrs. Zahirsky moved for passage under suspension, seconded by Mr. Deans. ROLL: Yes, ALL.

Ordinance 45-09: An Ordinance To Make Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, During the Fiscal Year Ending December 31, 2010, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on Ordinance 45-09, seconded by Mr. Moellendick. ROLL: Yes, ALL.

Mrs. Zahirsky moved for passage under suspension, seconded by many. ROLL: Yes, ALL.

#### **FIRST READINGS**

#### Ordinance 46-09:

An Ordinance Amending Ordinance 5-09, and Providing for the Transfer of Funds Within various Accounts for the Purpose of Paying various City Obligations, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on Ordinance 46-09, seconded by Mr. Moellendick. ROLL: Yes, ALL.

Mrs. Zahirsky moved for passage of Ordinance 46-09 under suspension, seconded by Mrs. Downing. ROLL: Yes, ALL.

Ordinance 47-09: An Ordinance By the Council of Canal Fulton, Ohio to Name the Safety Services Center in Canal Fulton After Eugene M. Fellmeth.

STANDS AS FIRST READING

Minutes of

December 15, 2009

Held

DAYTON LEGAL BLANK INC., FORM NO. 101

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Meeting

Resolution 33-09: A Resolution By the Council of the City of Canal Fulton To Enter Into A Contract With Wenger Excavating, Inc. for the Construction of the Marshallville Street Sanitary Sewer Project and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on Resolution 33-09, seconded by Mr. Moellendick. ROLL: Yes, ALL.

Mrs. Zahirsky moved for passage under suspension of Resolution 33-09, seconded by Mr. Moellendick. ROLL: Yes. ALL.

Resolution 34-09: A Resolution By the Council of Canal Fulton, Ohio Proclaiming Support For the Community Plan. STANDS AS FIRST READING

Resolution 35-09: A Resolution By the Council of the City of Canal Fulton, Ohio to Enter Into a Contract With Metro Disposal for Trash Collection.

#### STANDS AS FIRST READING

Resolution 36-09: A Resolution to Enter Into Contract with Mary Taylor. Auditor of State for the Local Government Services Section of the Office of the Auditor of State (LBS) to Compile the Basic Financial Statements for the City of Canal Fulton for the year Ending December 31, 2009 and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on Resolution 36-09, seconded by Mr. Deans. ROLL: Yes, ALL.

Mrs. Zahirsky moved for passage of Resolution 36-09 under suspension, seconded by Mr. Losch. ROLL: Yes, ALL.

Mr. Svab stated we couldn't do purchase order until the 2010 budget was approved as this is a 2010 expenditure.

#### **PURCHASE ORDERS & BILLS**

P.O. 5835 to Ohio Police and Fire Pension Fund for Quarterly Pension Fund Payment in the Amount of \$23,033.15.

Mrs. Downing moved to approve, seconded by Mr. Deans. ROLL: Yes, ALL.

P.O. 5840 to Varney, Fink and Associates for Audit and GAAP Conversion Fees for 2008, Audits Not Previously Billed In the Amount of \$9,347.50. Mrs. Downing moved to approve, seconded by Mr. Deans. ROLL: Yes, ALL.

P.O. 5843 to Motorola XTL 2500, 764-870 MHZ, 10-35 W Radios, Software, Dash Mount, Microphone 2 Year Repair Warranty. State of Ohio Purchasing Contract in the Amount of \$5,100.

Mr. Deans move to approve P.O. 5843, seconded by Mrs. Zahírsky. ROLL: Yes, ALL.

P.O. 5855 to Auditor of State for Contracted Services with the Local Government Services Section to Compile the 2009 Financial Statements for GAAP Reporting, Estimate of 250 Hours at \$50.00 Hour.

Minutes of

Meeting

| _5 | DAYTON LEGAL SLANK, INC., FORM NO. 10148 |          |
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|    | December 15, 2009                        |          |
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Mrs. Zahirsky moved to approve P.O. 5855, seconded by Mrs. Downing. ROLL: Yes, ALL.

P.O. 5848 to Craun Liebing Company for Rotating Pump Assembly, Wear Plate, Molded Check Valve for Lift Station F in the Amount of \$3,500.00. Mrs. Zahirsky moved to approve P.O. 5848, seconded by Mr. Deans. ROLL: Yes, ALL.

<u>P.O. 5847</u> to Watchgard, Inc. for In-Car Video Camera Recorder, Two Year Warranty in the Amount of \$5,020.00.

Mr. Moellendick moved to approve P.O. 5847, seconded by Mrs. Downing. ROLL: Yes, ALL.

<u>P.O. 5845</u> to D.R. Ebel for Police LED Light Bar, Siren, Speaker, Gun Rack and Mounting Bracket Kits in the Amount of \$3,163.23, seconded by Mrs. Zahirsky. ROLL: Yes, ALL.

Bills: \$209,134.97

Mr. Moellendick moved to approve the bills in \$209,134.97, seconded by Mrs. Zahirsky. ROLL: Yes, ALL.

#### **OLD/NEW/OTHER BUSINESS**

Mr. Mayberry stated he sent a letter of request to the Clerk's office to serve on the Charter Review Commission and he would like to withdrawal his letter of interest to serve on the Charter Review Commission.

Mr. Svab stated they received a \$100,000 check from First Energy Solution and need to determine at what point they want deposit and what funds, general funds. He stated Mr. Cozy considers a grant and doesn't know for auditing purposes if it is how it should be recorded. He isn't sure if it is really a grant or a donation.

Mr. Cozy stated they wanted it designated to a specific project and they submitted it as a grant. He stated he doesn't know if council wants to set aside a fund to put the money in.

Mr. Deans stated thought it could be used for anything or divided up and used for several projects.

Mr. Cozy stated First Energy would like for them to notify them to where the money went. He stated they could probably use it for whatever they choose, but they would prefer it be put toward a project so they can see where their money went.

Mrs. Cihon stated she thought it was going to the Puffenberger Park.

Mrs. Downing stated she felt it would be wise to put it on a line item as part of the general fund.

Mr. Cozy stated he would hate to see it put in the budget.

Mr. Svab stated the money hasn't been budgeted and it has not been brought in as revenue as of yet so this council or the next council can decide and all are aware of it.

# DECORD OF PROCEEDINGS

| Minutes of | CITY OF CANAL FULTON |  |
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December 15, 2009

Held\_

Meeting

Mr. Deans stated he would like to see the monies used to pay down some things and make more money by using it as matching funds for grants.

Mrs. Zahirsky stated she would like to see it go toward the Puffenberger property because they paid down the property and this is how they begin to develop it into a park.

Mr. Moellendick stated they budgeted for the grading plan for the property.

Mr. Cozy stated the grading plan was about \$16,000 and the grading itself could be \$200,000.00 give or take. He stated it is one of the major expenses of developing the park, to see that it drains properly and the construction sites for the fields and buildings.

Mr. Moellendick stated it could also be done in phases.

Mr. Cozy stated hopefully they will designate this in the plan as to what you can do first, second, third without impacting the rest of the property.

#### REPORT OF PRESIDENT PRO TEMPORE (Mrs. Cihon) - None

#### REPORT OF SPECIAL COMMITTEES - None

#### CITIZENS COMMENTS-Open Discussion (Five-Minute Rule) -

Ken Roberts, 239 Canal Street: Mr. Roberts commended the City for the leasing of the Hatfield lot for additional parking. He stated over the years, a lot of businesses have been lost downtown because of no parking.

Susan Mayberry, 439 High Street: Mrs. Mayberry stated she recently read an article in the Repository regarding a new resolution in the City of Canal Fulton addressing nepotism. She stated it was her understanding that the city has had a nepotism policy in place, which was put into effect on September 3, 1985, twenty-four years ago. She stated if the new policy strengthens or somehow clarifies the existing policy, she is 100% in favor of the new policy. She believes nepotism is something that must always be monitored when relatives work for the same organization, company or municipality. However, the timing of the passage of this resolution causes her great concern and should cause concern for many of others. She stated nepotism is generally defined as when a relative of an individual in power rises to similar power seemingly without appropriate qualifications. Stated another way, nepotism is when an individual uses their power within an organization to assist a relative in getting them a job, a raise or some other positive benefit, simply because of their power or standing with an organization. She stately that certainly all of them would agree that these types of situations are unfair and need to be avoided. She stated as many are aware, her husband, Dan Mayberry, has worked for the city for almost thirty-five years and his employment began long before her election to city council. She stated that during her tenure on council, any employment decisions dealing with him, and only him, she would abstain as everyone would expect. She stated based on these set of facts, the nepotism policy would be wholly inapplicable to her husband's employment situation and her election to city council. She stated that her position as council woman would have and will have no bearing on his She wants to clearly state that nepotism is a serious problem in our society and it causes all kinds of concerns. However,

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abuse of a nepotism policy and its application to situations, such as her husband's employment would be equally troubling to her and a great cause of concern. She hopes all present and all those that will review the minutes of this meeting give consideration to the importance of responsibly and properly applying the nepotism policy of the City of Canal Fulton as well as each and every policy which is enacted by this city.

<u>Victor Colaianni, 1708 Bruce Street</u>: Mr. Colaianni stated he would like to echo earlier sentiments for Councilperson Downing and Deans and thank them for their years of service. He feels those that follow them, whether those coming into office and/or future council, will do well to learn by the example they have shown. He stated Mr. Deans has gone through some serious health issues and never wavered and this is to be commended. He thanked him also for his years of service and that he is a Vietnam veteran.

Mr. Colaianni stated on council-elect Mayberry's comments, they also tried to pass something similar to what was passed regarding nepotism during his tenure on council and it never got off the table because those elected at that time didn't see the need for it. He stated there were two who did, Mr. Mouse and himself. He stated as a citizen of the city he is glad to see that it was implemented although it is four years late. He stated whether the timing is good or bad or does not have an appearance of being something that is above-board, is immaterial. It is going to affect the future well beyond his time in the city and her time as an elected official.

#### **EXECUTIVE SESSION:**

Mrs. Zahirsky moved to adjourn to executive session at 8:00 PM from the regular meeting for the purpose of the consideration of appointment of a public employee or official with all elected officials, city manager and law director present, seconded by Mrs. Downing. **ROLL: Yes, ALL.** 

Mr. Losch moved to return to public session at 8:16 PM, seconded by Mrs. Zahirsky. ROLL: Yes, ALL.

As a result of the executive session, the following action was taken.

<u>Charter Review Committee Appointments:</u> Mrs. Zahirsky moved to appoint the following individuals to serve on the Charter Review Committee commencing January 1, 2010:

Scott E. Fellmeth Fred E. Etheridge John H. Workman Donald G. Hare Donald E. Schwendiman Clayton Hopper James Deans

Motion seconded by Mr. Losch. ROLL: Yes, Mrs. Downing, Mr. Losch, Mrs. Cihon, Mrs. Zahirsky and Mr. Moellendick. Abstain: Mr. Deans.

| ADJOURNMENT  Nellie Cihon adjourned the December 15, 2009 me regular scheduled meeting is January 5, 2010.  Tammy Marthey, Clerk of Council Nellie Cihon, Council |                |
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| Nellie Cihon adjourned the December 15, 2009 me regular scheduled meeting is January 5, 2010.   |                |
| regular scheduled meeting is January 5, 2010.   |                |
| Tammy Marthey, Clerk of Council Nellie Cihon, Cou   | ncil President |
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# RECORD OF RESOLUTIONS

| Resolution No. 31-09   | Passed  | 20   |
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|  | A RESOLUTION B<br>OF THE CITY OF C<br>OHIO TO ENTER I<br>SUPPLEMENTAL S<br>AGREEMENT WIT<br>OHIO.           | CANAL FULTON<br>NTO A  |
| WHEREAS, the City of Cana<br>entered into a sewer service agreem<br>March 11, 1997, and Supplemental<br>referred to as the Basic Agreement;  | ent on August 6, 1981,<br>No. 2 on June 8, 1999,  | Supplemental No. 1 off   |
| WHEREAS, the City and the supplemental agreement for the pur   | County find it necessar<br>pose of modifying the I  | ry to enter into a<br>Basic Agreement; and                                 |
| WHEREAS, the County has I Metropolitan Sewer District (herein purpose of preserving and promotin boundaries thereof being all of the together with the Villages of East S Canton, Waynesburg and the Stark   | after referred to as the<br>ig the public health and<br>unincorporated territory<br>parta, Hills and Dales, | "District") for the<br>welfare, the<br>in the County,<br>Meyers Lake, East |
| WHEREAS, the City and the into a Supplemental Agreement to a recited herein, the City being author Constitution and, to the extent requet.seq., and the County being so autalso Revised Code Sections 307.14 | give effect to their cominized to do so by Article<br>fired, by Ohio Revised (<br>Thorized by the Ohio Re   | e XVIII of the Ohio<br>Code, Sections 307.14<br>evised Code, including     |
| NOW THEREFORE, BE IT   | RESOLVED BY THE (   | COUNCIL OF THE   |
| The City of Canal Fulton agr<br>County, Ohio known as the Canal F<br>Supplemental No. 3 which is attach<br>herein.   | Fulton-Stark County Se  | wer Service Agreement  |
|  | John Grogan, Mayo   | <u></u> -  |
| ATTEST:  |   |  |
| Tammy Marthey, Clerk-of-Council  |   |  |
| I, Tammy Marthey, Clerk-of-Coun-<br>hereby certify that this is a true and   | cil of the City of Canal<br>I correct copy of Resolu  | Fulton, Ohio, do<br>ation09, duly  |

# **RECORD OF RESOLUTIONS**

| <br>Oayton Legal Blanz, Inc., Form No. 30045   |  |
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| Resolution No. 31-09 Passed  |  |
| adopted by the Council of the City of Canal Fulton, on the date of  2009, and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on theday of, 2009. | - Approximate the second secon |
| Tammy Marthey, Clerk-of-Council  |  |
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# Agreement

Distribution: Journal Sanitary Engineer Canal Fulton File

Stark County Commissioners

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| Subject CANAL FULTON - STARK COUNTY SEWER SERVICE AGREEMENT SUPPLEMENTAL NO. 3   |
| THIS SUPPLEMENTAL AGREEMENT made and entered into this day of, 2009 by and between the County of Stark, Ohio (hereinafter referred to as the "County"), duly authorized by a resolution adopted by the Board of County Commissioners on the day of, 2009, and the City of Canal Fulton, Ohio (hereinafter referred to as the "City"), duly authorized in its behalf by Ordinance No passed by its Council on the day of, 2009.   |
| WHEREAS, the City and the County entered into a sewer service agreement or August 6, 1981, Supplemental No. 1 on March 11, 1997, and Supplemental No. 2 on June 8, 1999, said Agreements referred to as the Basic Agreement; and   |
| WHEREAS, the City and the County find it necessary to enter into a supplemental agreement for the purpose of modifying the Basic Agreement; and  |
| WHEREAS, the County has heretofore established Stark County Metropolitan Sewer District (hereinafter referred to as the "District") for the purpose of preserving and promoting the public health and welfare, the boundaries thereof being all of the unincorporated territory in the County, together with the Villages of East Sparta, Hills and Dales, Meyers Lake, East Canton, Waynesburg and the Stark portion of the Village of Magnolia; and                                    |
| WHEREAS, the City and the County have determined accordingly to enter into this Supplemental Agreement to give effect to their common objectives as recited herein, the City being authorized to do so by Article XVIII of the Ohio Constitution and, to the extent required, by Ohio Revised Code, Sections 307.14 et. seq., and the County being so authorized by the Ohio Revised Code, including also Revised Code Sections 307.14 et. seq., and, in addition, Chapter 6117 thereof; |
| WHEREAS, the same terms used herein have the definitions as described in the Basic Agreement;  |
| NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, and of other good and valuable considerations, Canal Fulton and Stark hereby promise and agree that:   |
| ARTICLE 1.0 - County Service Area  |
|  |

The County service area as defined in Section 1 of the Basic Agreement shall be redefined as described in Exhibit "A" attached hereto and hereby incorporated by reference herein. This service area represents a portion of the Canal Fulton facilities planning area as shown in the 208 Clear Water Plan Update, approved in 2005 and also includes two areas in Summit County identified as the Clinton Service Area and the Spring Valley Allotment Extension in Franklin Township. However, this Agreement may be extended to other areas beyond the service area by a supplemental agreement.

End Of Article 1.0

#### ARTICLE 2.0 - Conveyance

- 1) Territory in the County's service area that is annexed to the City will remain as part of the County's service area for sanitary sewer service. For the territory so annexed, the County will continue to maintain complete jurisdiction as it relates to rules and regulations for providing sanitary sewer service including levying of the County's connection charges, user fees and any other charges or fees established in accordance with County resolutions for that purpose.
- 2) However, the City may, at its option, request the conveyance of jurisdiction over the County's sewerage facilities and/or customers and/or service area annexed into the City as set forth herein below:
- a.) For purposes of this agreement, the word "developed" in reference to property or territory shall mean property or territory where there is an existing and operable sanitary sewer system, which is available for current or prospective customers. Further, for purposes of this agreement, the term "undeveloped" with regard to property or territory shall mean any property or territory that is not "developed."
- b.) In the case of territory that is undeveloped, the City may request the sanitary sewer service rights at no charge.
- c.) In the case of developed property, the City may purchase the existing accounts and facilities based on their present worth. Any debt assigned specifically to the facilities shall be taken into account in calculating the value.

In addition to the compensation described above, where conveyance of jurisdiction over territory is requested, no such conveyance shall be complete until the County, by its board of county commissioners, shall have adopted a conveyance resolution specifically identifying the territory so conveyed.

3) The City and the County shall allow use of, and connection to, their sewerage facilities by the other party at no charge or cost provided the Sanitary Engineer, in the case of the County, and the City Engineer, in the case of the City, determine that the taking effect of capacity and connection required by the other party shall not adversely impact the needs of the party owning the facility. However, if either party requires capacity at any points of connection, in amounts greater than is needed by the party who owns the facility, then the party requesting the additional capacity shall pay for over sizing of facilities as appropriate.

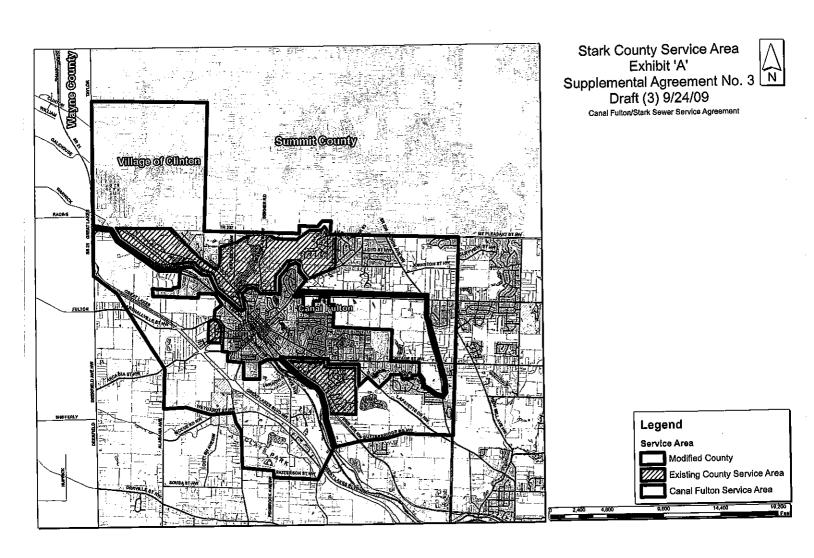
If and to the extent required, any and all other provisions of the Basic Agreements which may be inconsistent with the terms of this Supplemental Agreement, are hereby amended so as to conform hereto.

Except as amended hereby, the Basic Agreements are hereby confirmed in all other respects.

# Page 3 CANAL FULTON - STARK COUNTY SUPPLEMENTAL NO. 3

IN WITNESS WHEREOF, the County and the City have caused this Supplemental Agreement to be executed by their respective officers thereunto duly authorized and the Agreement shall be in effect as of the day and year first above written.

| APPROVED AS TO FORM:                           | CITY OF CANAL FULTON |
|--|----------------------|
| Canal Fulton Law Director                      | Mayor                |
| APPROVED AS TO FORM:                           | COUNTY OF STARK      |
| Assistant Prosecuting Attorney<br>Stark County | Commissioner         |
|  | Commissioner         |
|  | Commissioner         |



Color map available

# RECORD OF ORDINANCES

|   | Form No. JIN143   |
|---|---|
| · | an Logal Blank, Inc.  247-09  Passed  |
|   | Ordinance No  |
|   | AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO NAME THE SAFETY SERVICES CENTER IN CANAL FULTON AFTER EUGENE M. FELLMETH.  |
|   | WHEREAS, Retired Massillon Municipal Court Judge EUGENE M. FELLMETH has served his community, his constituents and his country well, and  |
|   | WHEREAS, The Council of Canal Fulton has recommended that the Safety Services Center be named after Eugene M. Fellmeth.   |
|   | NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:   |
|   | The Safety Services Center in Canal Fulton, Ohio shall be named the EUGENE M. FELLMETH SAFETY SERVICES CENTER.  |
| , | John Grogan, Mayor  |
|   | ATTEST:   |
|   | Tammy Marthey, Clerk-of-Council   |
|   | I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance09, duly adopted by the Council of the City of Canal Fulton, on the date of  2009, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on theday of, 2009. |
|   | Tammy Marthey, Clerk-of-Council   |
|   | SEF/bp  |

# **RECORD OF RESOLUTIONS**

| Dayton Logal Blank, Inc., Form No. 10045  | ·  |  |
|---|--|--|
| Resolution No. 34-D9  | Passed   |  |
|   |  | <del></del>  |
|   | A RESOLUTION B<br>OF CANAL FULTO<br>PROCLAIMING SU<br>FOR THE COMMU  | ON, OHIO<br>IPPORT   |
| WHEREAS, the Council of the proposal for a Community Plan, and  | City of Canal Fulton   | commissioned a   |
| WHEREAS, the Stark County I<br>Canal Fulton Community Plan Citizer<br>dated November 2009.  | Regional Planning Co<br>s' Committee created   | mmission and the<br>I a Community Plan   |
| NOW THEREFORE, BE IT RE<br>CITY OF CANAL FULTON, OHIO,  | SOLVED BY THE C<br>THAT:   | COUNCIL OF THE   |
| The City Council does hereby p<br>Plan dated November 2009.   | roclaim official suppo   | ort for the Communit   |
|   | John Grogan, Mayor   |  |
| ATTEST:   |  |  |
|   |  |  |
| Tammy Marthey, Clerk-of-Council   |  |  |
| I, Tammy Marthey, Clerk-of-Council of hereby certify that this is a true and coradopted by the Council of the City of C 2009, and that publication of the foregotrue and correct copies thereof at five of corporation as determined by Council a Giant Eagle Supermarket, Heritage Squ Chambers each for a period of fifteen d 2009. | rect copy of Resolutical Fulton, on the desired Fulton, on the desired Resolution was of the most public places follows: Post Officiare Pharmacy, and en | on09, duly ate of duly made by posting ces in said ce, Public Library, atrances to Council |
| Tammy Marthey, Clerk-of-Council   |  |  |
| SEF/bp  |  |  |

# **RECORD OF RESOLUTIONS**

| _ | Deyker Legal Milerit, Inc., Form No. 30043   |  |  |
|---|--|--|--|
|   | Resolution No. 35-09 Passed 20   |  |  |
|   |  |  |  |
|   | A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO A CONTRACT WITH METRO DISPOSAL FOR TRASH COLLECTION.   |  |  |
|   | WHEREAS, the City of Canal Fulton has sought a proposal for trash disposal for city buildings and downtown trash receptacles, and  |  |  |
|   | WHEREAS, Metro Disposal has submitted a proposal acceptable to the City to provide trash collection and disposal.  |  |  |
|   | NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:  |  |  |
|   | The City of Canal Fulton agrees to enter into a contract with Metro Disposal for trash collection at a rate of \$441.00 per month pursuant to proposal attached as Exhibit "A".  |  |  |
|   | John Grogan, Mayor ATTEST:   |  |  |
|   | Tammy Marthey, Clerk-of-Council  I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do  |  |  |
|   | hereby certify that this is a true and correct copy of Resolution09, duly adopted by the Council of the City of Canal Fulton, on the date of  2009, and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on theday of, 2009. |  |  |
|   | Tammy Marthey, Clerk-of-Council  |  |  |
|   | SEF/bp   |  |  |

# Exhibit "A"

September 18, 2009 155 E. Market Street Canal Fulton, Ohio 44614 Tammy Marthey 330-854-2225 Ext: 1110

Thank you very much for allowing me at **Metro Disposal** to provide this proposal for your solid waste handling and removal needs. As you know, Metro Disposal is a locally owned and operated company, with locations in Cleveland and Canton servicing Northeast Ohio.

Let me share with you the advantages of dealing with a smaller, locally owned company:

- -Personalized service to meet "your" needs, not "ours"
- -Service only a phone call away
- -Ownership that cares about every customer being a satisfied one
- -Large enough to be considered experts, but small enough to know you
- -Over 75 years experience in the waste industry

## **PROPOSAL**

| Service options available for trash:             | Pricing            |               |
|--|--------------------|---------------|
| City Hall 155 East Market St                     | (1) 2yd 1xwk       | \$35.00/month |
| City Receptacles Downtown                        | (14) cans 1xwk     | \$95.00/month |
| May thru October 4 receptacles                   | (4) cans 2xwk      | \$60.00/month |
| Canal Fulton Fire Dept<br>393 Milan St           | (1) 2yd 1xwk       | \$35.00/month |
| Canal Fulton Street Garage<br>950 Water St.      | (1) 2yd 1xwk       | \$35.00/month |
| Police Station                                   | (1) 2yd 1xwk       | \$35.00/month |
| Waste Water Treatment Plant<br>5500 Butterbridge | (1) 6yd 1xwk       | \$65.00/month |
| Krazy Dawgs & More                               | (1) 50 gallon 1xwk | \$8.00/month  |
| Coach House Floral                               | (1) 50 gallon 1xwk | \$8.00/month  |
| St. Helena Heritage Park<br>(May thru October)   | (1) 6yd 1xwk       | \$65.00/month |

### terms and conditions of Bervice Agreement

- (1) TERM. The term of this Agreement shall be for thirty-six (36) months from the effective date of service, and shall be automatically renewed for thirty-six (36) months thereafter unless either party shall give written notice of termination (Certified Mail) to the other party at least sixty (60) days but not more than one hundred twenty (120) days prior to the termination of the initial term or any renewel term.
- (2) SERVICES RENDERED. Customer grants to the undersigned (Metro Disposal) the exclusive right to collect and dispose of all of Customer's Wasia Malerials (which include recyclable materials) and agrees to make the payments as provided for herein and Metro Disposal agrees to furnish such services and equipment specified above, all in accordance with the terms of this Agreement.
- CHARGES AND PAYMENT, Customer shall pay Contractor on a monthly basic for the collection and displaced extraction and dis

Payment shall be made by Customer within ten (10) days after receipt of an invoice from Contractor. Contractor may impose, and Customer agrees to pay, a late fee and interest for all past due payments not to exceed the maximum rate allowed by applicable law. In the event that any payment is not made when due, Contractor may, at its sole option, terminate the Agreement on notice to the Customer and recover all past due payments, recover any equipment on the premises of the Customer and to recover liquidated damages from Customer as set forth below.

- (4) RATE ADJUSTMENTS. Because disposal and fuel costs constitute a algnificant portion of the cost of Contractor's services provided hereunder, Customer agrees that Contractor may increase the rates hereunder proportionately to adjust for any increase in such costs or any increases in transportation costs due to changes in location of the disposal facility. Customer agrees that Contractor may also increases the rates from time to time to time to adjust for increases in the Consumer Price index, and Customer agrees that Contractor may also proportionately pass through to Customer increases in the average weight per container yard of the Customer's Waste Materials, increases in Contractors posts due to changes in local, state or federal rules, ordinances or regulations applicable to Contractor's operations or the services provided hereunder, and increases in taxes, (see or other governmental charges agreesed against or passed through to Contractor (other than income or real property taxes), and shall not be withheld by the Customer. Contractor may only increase rates for reasons other than above with the consent of the Customer, Such consent may be evidenced verbally, in writing or by the actions and practices of the parties.
- (5) CHANGES. Changes in the Schedule of Charges, frequency of collection service, number, capacity and/or type of equipment may be agreed to orelly, in writing, or by the actions and practices of the parties.
- (6) WASTE MATERIAL. Customer represents and warene that the materials placed in the equipment shall be "waste material" as defined herein and shall contain no other substances. The term "waste material" as used in these Terms and Conditions shall mean solid waste generated by Customer excluding radipactive, voicible, highly flammable, explosive, blomedical, infectious, toxic or hazardous material. The term "hazardous material" shall include but not be limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recover Act of 1978, as amended, or applicable state law. Contractor shall acquire title to the waste material when it is loaded into Contractor's trucks. This to and flability for any waste excluded above shall remain with Customer and Customer expressly agrees to defend, indemnify and hold harmless Contractor from and against any and all damages, panalities, fines and flabilities resulting from or arising out of such waste excluded above.
- (7) DRIVEWAYS AND PARKING AREAS. Customer warrants that any right of way provided by Customer for Contractor's equipment location to the most, convenient public way is sufficient to beer the weight of all of Contractor's equipment and vehicles reasonably required to perform the service herein contract, ad, Contractor shall not be responsible for damage to any private pavement or accompanying sub-surface of any toute reasonably necessary to perform the services herein contracted and Customer assumes all liabilities for damage to pavement or road service.

(8) EQUIPMENT.

(6) EQUIPMENT.

(a) Responsibility. The equipment furnished hereunder by Contractor shall remain the property of Contractor; however, Customer acknowledges that it has care, custody and control of the equipment while at the Customer's location and accepts responsibility for all loss or damage to the equipment (except for hormal wear and tear or for loss or damage resulting from Contractor's handling of the acquipment) and for its contents. Customer agrees not to everload (by weight or volume), move or after the equipment, and shall use the equipment only for its proper and intended purpose. Customer agrees to indemnify, defend and hold hermiess Contractor against all claims, damages, quite, pensities, lines and liabilities for injury or death to persons or loss or damage to property arising out of customer's use, operation or possession of the equipment.

(b) Access, Customer agrees to provide unobstructed access to the equipment on the scheduled collection day, if the equipment is inaccessible so that the regularly scheduled pick up cannot be made, Contractor will promptly notify the Customer and allord the Customer a reasonable opportunity to provide the required access; however, Contractor reserves the right to charge an additional fee for any additional collection service required by Customer's failure to provide such access.

Vida such access.

- (e) Definition. The word "equipment" as used in these Terms and Conditions shall mean all containers used for the storage of waste material including stallonary compaction units, stationary balling units, waste material leading devices, tanke, tankers, and such other on-sile devices as may be specified on the face of this Agreement.
- (9) LIQUIDATED DAMAGES. Customer may terminate this Agreement prior to the expiration of the initial form or any flamewal farm in consideration for which Customer shall pay, and Company shall accept, sellquidated damages, and not as a penalty, a sum calculated as follows: (1) if the remaining term hereunder is 6 months or more, Customer shall pay the monthly service fee for the immediately proceeding calendar month multiplied by 6; or (2) if the remaining term hereunder is less than 8 months, Customer shall pay the monthly service fee for the immediately proceeding calendar month multiplied by the number of months remaining in the term. Company may terminate this Agreement upon (i) 30 days written notice to Customer; (ii) Customer's failure to pay service fees when due; (iii) an event of Force Majeure; or (iv) upon a breach by Customer of any provisions hereunder.
- (10) ATTORNEY'S FEES. In the event of a breach of this Agreement by either party, the breaching party shall pay all reasonable altorney's fees, collection fees and costs of the either party incident to any action brought to enforce this Agreement, in the event customer falls to pay Contractor all amounts which become due under this Agreement, or falls to perform its obligations hereunder, and Contractor refers such matter to an altorney. Customer agrees to pay, in addition to the amount due, any and all costs incurred by Contractor as a result of such action, including, to the extent permitted by law, reasonable attorneys' fees.
- (11) ASSIGNMENT AND BENEFIT. This agreement shall not be affected by any changes in the Customer's Service address it such new address is located within Contractor's zervice area. This agreement shall be binding on the parties and their successors and assigns,
- (12) EXCUSED PERFORMANCE. Neither party hereto shall be liable for its fallure to perform or delay in performance hereunder due to contingencies beyond its reasonable control including, but not limited to, strikes, riots, compliance with laws or governmental orders, inability to get to container, first and according and such fallure shall not constitute a Default under this Agreement.
- RIGHT TO COMPETE. Customer grants to contractor the right to compete with any offer which customer receives (or intends to make) relating to the provision of non hazardous waste collection and disposal services upon the termination of this agreement for any reason, and agrees to give contractor written notice of any such offer and a reasonable opportunity to respond to it.

RESOLUTION 1-10

#### AS AMENDED

# **Resolution Presented by Council:**

A RESOLUTION TO ESTABLISH AND ADOPT RULES AND REGULATIONS FOR THE COUNCIL OF THE CITY OF CANAL FULTON AND REPEALING ALL PRIOR RULES AND REGULATIONS INCONSISTENT HEREWITH

WHEREAS, this Council deems it advisable to amend its rules and regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, COUNTY OF STARK, STATE OF OHIO:

SECTION 1: That the rules of the Council of the City of Canal Fulton shall be adopted and shall remain in effect until amended or repealed, and are as follows:

### I. ORGANIZATION

# Rule 1. Elected Officers - Presiding Officer

The Mayor serves as President of Council and Presiding Officer. The Mayor has no vote except in the cast of a tie as allowed by law. The Council shall elect a President pro tempore to serve in the Mayor's absence. The President pro tempore shall serve for a one-year term. In the event of the absence of both the President and President pro tempore, Council shall elect for purposes of that particular meeting, a temporary chairman. The President pro tempore and temporary chairman shall have the right to vote while serving as presiding officer.

# Rule 2. Officer - How Elected

The President pro tempore of this body shall be elected by a majority of the duly elected members. Nominations shall be made from the floor. Elections shall be by voice vote. In the event no one is elected after two successive votes, the candidate receiving the fewest number of votes on the second vote and each vote thereafter, shall be eliminated as a nominee. The election shall continue by this procedure until one nominee receives four (4) votes. The President pro-tempore shall not be elected more than two consecutive calendar years.

# Rule 3. President Pro Tempore - When Elected

The President pro tempore shall be elected at the beginning of the first regular Council meeting for each year. All elected members of Council shall cast a vote. In the event the President pro tempore shall fill the unexpired term of the mayor, the Council shall elect a new President pro tempore by a majority of all members, including the member elected to fill the vacancy on Council.

## Rule 4. Council Vacancy - How Filled

The vacancy in the office of a member of Council shall be filled for the remainder of the unexpired term by election of the majority of all members for the unexpired term. If the Council fails to fill a vacancy within 45 days, the mayor shall fill it by appointment.

# Rule 5. Committee of Committees

At the first meeting of the year, Council shall elect two (2) members of the Council who, together with the President pro tempore, shall constitute the committee on committees.

# Rule 6. Duties of Committee on Committees

Upon election of the two (2) members of the Committee on Committees, they shall meet with the President pro tempore and select the members of the Standing Committees. Such selections shall then be reported by the President pro tempore not later than the next meeting of Council. There shall be a minimum of three (3) members on each Standing Committee.

## Rule 7. Standing Committees

Each Standing Committee shall elect a chairperson for its committee at the committees' first meeting of each calendar year. Each committee will be required to have its initial meeting in the first quarter (January – March) of each calendar year. No Council member shall chair more than one committee. The Standing Committees for Council shall be as follows:

#### Finance

Budget, appropriations and re-appropriations, bonds, investments, expenditures, pay ordinances, and ordinances setting salaries.

## Economic Development/Zoning

Land use, zoning, conditional uses, planning and community development, attraction of commercial and industrial development, retention of existing businesses, tax abatement.

#### Personnel/Rules

Personnel, labor relations, insurance claims, Rules of Council, and ordinances setting number of employees.

## Safety

Disaster services, communications, fire and paramedics, and police and health.

#### Public Service

Streets, highways, sidewalks, and improvements, water, sewer items and franchises.

In addition, Council members may serve as Council liaison on other committees including, but not limited to, Parks & Recreation Board, Planning Commission, Community Betterment Committee, and City Council/Township Trustee meetings. Council members on such committees do not have authority to commit Council's authority over policy or revenue spending.

## II. MEETINGS - PROCEDURE AND CONDUCT

## Rule 8. Meetings of Council

The Regular Meeting of the Council shall be held on the first and third Tuesday of each month in the Council Chambers at City Hall at 7:00 PM. By vote of two-thirds of the members elected to Council, at any Regular or Special Meeting of Council called for such purpose, the Council may designate any other public place or public building for the holding of its meetings. Any Regular or Special Meeting of Council may be adjourned to meet at any time within three (3) weeks. Any Council Committee Chairman, Director of Law or Director of Finance may request the President of Council to call a meeting of Council as a whole. The date of the meeting of Council as a whole shall be set by a majority of the members of Council.

# Rule 9. Special Meetings of Council

The President of Council, President pro tempore of Council, or any three (3) members of Council may call Special Meetings of Council upon at least 24-hours notice and agenda to each member served personally or left at their usual place of residence. No legislation shall be considered, discussed or voted upon at any Special Meeting of Council, unless that legislation was specifically described as the legislation for which the Special Meeting of Council as called. No additional legislation may be added to the agenda for the Special Meeting of Council. The notice required by law to be served upon each member notifying them of the Special Meeting of Council shall contain a statement of business for the transaction of which such Special Meeting of Council is called.

# Rule 10. Executive Sessions

The Council may hold an Executive Session, from which the public is excluded, for any of the following purposes (O.R.C. 122.12(G) (1)):

(1) Personnel matters, including the appointment, employment, dismissal, discipline, promotion, demotion or compensation of one or more public employees or officials; or the investigation of charges or complaints against a public employee, official, licensee or regulated individual unless the accused party requests a Public Hearing.

- (2) Purchase, sale, or the development of real property where premature disclosure of information would give an unfair competitive or bargaining advantage to a person, or otherwise adversely affect the general public interest;
- (3) Imminent or pending litigation;
- (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
- (5) Matters required to be kept confidential by Federal Law or Regulations or State Statutes;
- (6) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be use for the purpose of committing, or avoiding prosecution for, a violation of the law;

An Executive Session may be held upon the determination by a majority or a quorum of the Council, by a roll call vote, to hold such a session, setting forth the general purpose or purposes for which such session will be held.

All formal action of the Council, such as the enactment of legislation or the adoption of rules or recommendations, shall be taken in open meeting.

All Executive Sessions and the reasons therefore, shall be notes in the Minutes of Council.

# Rule 11. Opening Proceedings

The President of Council shall, at the time appointed by Council to meet, take the Chair and immediately call the members to order. In the absence of the President of Council, the President pro tempore shall preside. The Clerk of Council shall call the roll and enter on the minutes the members present or absent at the meeting, and proceed with the regular Council procedure. In the absence of a quorum at the hour appointed for the meeting, the members present may by majority vote recess for a period not exceeding one (1) hour.

# Rule 12. Presiding Officer

The President of Council, or in his/her absence, the President pro tempore, shall have general control of the Council Chambers, shall supervise the Council and the employees in the preparation of the agenda for any meeting and shall preserve the order and decorum during the meetings and decide questions of order and may in common with any other member, call to order any member who shall violate the rules.

# Rule 13. Order of Business

That the business of Council at all Regular Council Meetings shall be transacted in the following order with no deviation from such order without the consent of two-thirds of the Council:

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Correcting & Adopting the Record of Proceedings of the Previous Meetings
- 5. Special Recognitions (optional)
- 6. Reports of Standing Committees
- 7. Citizens Comments Agenda Matters Only (Five Minutes per Individual No Yield)
- 8. Reports of Administrative Officers (as Necessary)
  - A. Senior Citizens
  - B. Community Service Coordinator
  - C. Fire Chief
  - D. Police Chief
  - E. Engineer/Streets/Public Utilities
  - F. Finance Director
  - G. City Manager
  - H. Report of Mayor
  - I. Law Director
- 9. Third Readings of Ordinances or Resolutions
- 10. Second Readings of Resolutions or Ordinances
- 11. First Readings of Resolutions or Ordinances
- 12. Citizens' Comments (Open Discussion: Five-Minute Rule)
- 13. Purchase Orders & Bills
- 14. Report of Council President Pro Tempore
- 15. Report of Special Committees
- 16. Old/New/Other Business
- 17. Adjournment

When Public Hearings are scheduled during a Regular Council Meeting, the presiding officer may adjust the Order of Business accordingly, but only between Items 3 and 8.

# Rule 14. Conduct within the Council Chambers

The Presiding officer shall preserve decorum and decide all questions of order, subject to an appeal to the Council by any member, and in the case of an appeal being taken, the question shall be: "Shall the decision of the Chair stand as the decision of Council?" During such an appeal, the presiding officer shall retain the Chair until the question is disposed of, and may speak on the question. In any case in which a member transgresses the Rules of Council, the presiding officer or any other member may call them to order, in which case the member called to order shall take their seat unless permitted to explain. Members shall not be permitted to leave the Council Chambers without permission of the presiding officer. If a member of Council shall leave the Council Chambers without permission of the presiding officer, it shall count as an absence.

No member of the Council or Administration shall be allowed to speak longer than five (5) minutes if some other member shall request the floor. No member shall speak more than once on the same motion until every member desiring to speak on that motion shall have had an opportunity to do so. While the member is speaking, no one shall interrupt him except the President of Council, who may confine the member to the Rules of Council or a member of Council to raise a point of order.

# Rule 15. Nonmember Addressing of Council

The President of Council may recognize any nonmember for the purpose of addressing Council on any question then pending (Agenda Matters), or on any matter on which Council action is desired (Open Discussion). In such cases, the person recognized shall address the Chair and state their name, address, and subject matter they desire to discuss as it pertains to government business. Their remarks must be confined to the merits of the subject at issue. Speakers must be courteous and avoid discussion of personalities. Except by express permission of Council, speakers shall be limited to five (5) minutes, with no yielding their time to another individual to speak longer. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

# Rule 16. Communications & Correspondence

No anonymous communications, written or electronically recorded, shall be read or played at any Council meeting. All appropriately signed correspondence addressed to Canal Fulton City Council (or similarity thereof) shall be read aloud at any Council meeting by the Clerk of Council, unless the communication contains charges of a personal nature. Letters from department heads shall be referred to the appropriate committee before read in Council.

# Rule 17. Conduct Within Council Chambers

Any person who, during a Regular Council Meeting, or any duly held meeting of Council, or during any of the meetings of committees, threatens a member of Council or any citizen of this municipality or threatens damage to property within this municipality may be charged with a violation of Section 509.04 of Canal Fulton Ordinances, and may be ordered removed by a

majority vote of Council or by the President of Council. Removal from Council Chambers shall be done by a member of the Canal Fulton Police Department.

## III. REFERRAL OF LEGISLATION

# Rule 18. Submission of Legislation

Prior to introducing legislation at a Council meeting, any department head or member of the Administration or Council shall first request the Director of Law to prepare a "draft" ordinance or resolution. Thereafter, such department head or member of the Administration or Council shall send the "draft" ordinance or resolution, along with a letter setting forth the background information, to the chairperson of the committee with copies to the Council President, President Pro Tempore, and the City Manager. This shall not apply to any legislation that is adopted on a regular basis.

The City Manager will note all requests made either by a department head or any member of the Administration or Council member on matters referred as provided in Council Rule 20. The date of this referral will be the date of the letter. If no date appears on the letter of referral, the Council President shall date the letter of its receipt by the Council President or Presiding Officer.

# Rule 19. Petitions & Requests

All petitions or requests must be received and presented by the Clerk of Council. All other matters which include, but are not limited to, ordinances, proclamations, and resolutions shall be introduced by a member of Council or the City Manager. Such matters shall be signed by said member making the petition or request, and they will be presented to Council and the City Manager. All ordinances and resolutions shall be known by their number and assigned by the Clerk of Council.

# Rule 20. Petitions & Claims - Municipal Expenditures

No petitions or claims demanding money or expenditure thereof shall be received by the Council, unless made in writing, and signed by the petitioner, claimant, or department head or his authorized agent. A copy shall be furnished to the Law Director.

# Rule 21. Committee Matters

It shall be the duty of the City Manager monthly to provide all Council Members and Mayor with a brief list of all matters before all committees, together with the date the matter was referred to that committee.

# Rule 22. List of Matters Referred

Any matter remaining on the Matters Referred list for six (6) consecutive months without action must be deleted and may not be placed on this list again for at least two (2) weeks, at which time it must also be substantially changed or modified.

## Rule 23. Agenda Consideration

Council's agenda shall be included in Council's packet on the Friday before the Regular Council Meeting. Items to be included on the agenda must be in the Clerk of Council or City Manager's office by 12:00 PM (Noon) on the Friday before the Regular Council Meeting. All requests for legislation, which are to be prepared by the Law Director, shall be presented to that office no later than 12:00 PM (Noon) on the Wednesday preceding the meeting at which time such legislation is to be presented. All proposed legislation shall be forwarded by the committee chairperson, the Mayor and President pro tempore, who will confer with the Law Director in preparation of the agenda.

### IV. COMMITTEE WORK AND MOTIONS

# Rule 24. Resolution or Ordinance - Time Limit in Committee

All recommendations of committees and all matters pertaining to the legislative function of the Council shall be referred to the President pro tempore in the form of resolutions by motion or ordinance, as the case may require. No committee chairperson shall hold any proposed legislation in committee for more than sixty (60) days, after referral to committee. Any three members of Council, after sixty (60) days, may take legislation out of committee by motion. Said motion must be approved by a majority vote of the legislative body present at the time the motion is made. However, when time is of the essence or any emergency exists, any three (3) members of Council may take legislation out of committee by motion after the expiration of fourteen (14) days from the time the matter was referred to committee. Said motion, referred to hereinafter in this paragraph, must be approved by a majority of the Council members present when the motion is made.

# Rule 25. Stating of Motions & Calling of Roll

At regular meetings, all motions shall be stated by the Mayor or President pro tempore and put by the Clerk of Council, who shall declare all votes. Roll call shall be recorded as "Yes" or "No" or "Abstained."

# Rule 26. Reconsideration of Motions or Votes

A motion to reconsider a vote on any question shall not be in order until one Regular Meeting of Council has intervened, since the decision and the motion to reconsider can be made only by a member voting with the prevailing side.

# Rule 27. Legislation Procedures - Matters of Finance, Contracts & Employees

All legislation involving appropriations, transfer or expenditure of funds, all pay ordinances setting salaries and numbers of employees, and ordinances authorizing contracts with Municipal Services must first be presented to the Council Committee overseeing that department or unit making the request. After the committee reviews the request, any legislation involving funds or municipal

financial matters shall be forwarded to the Finance Committee, with a recommendation prior to the official request being presented to Council. All other legislative items can be submitted directly to Council.

#### V. MINUTES

# Rule 28. Meeting Minutes

The minutes of the Regular and Special Meetings and Public Hearings of the Council shall be available for public inspection during regular business hours. Members of the public who request copies of minutes may purchase them at a cost of five cents (\$0.05) per page.

## Rule 29. Recording of Minutes

The Clerk of Council shall be required to take minutes of all meetings of Regular and Special Council meetings. The committee chairperson shall be responsible for the minutes of committees, and may record meetings to be transcribed upon the chairperson's request to the Clerk of Council. The Clerk of Council should place approved minutes in each committee's minute book.

#### VI. RULES

# Rule 30. Amending or Revision of Rules

These rules may be amended at any regular meeting by a two-thirds (2/3) vote of the Council.

# Rule 31. Suspension of Rules

These rules may be suspended for the time being, at any meeting of the Council, by vote of three-fourths (3/4) of all its members then present at that meeting, wherein the motion to suspend these rules was made.

# Rule 32. Parliamentary Procedure

All questions arising concerning the governing of the Council and the transaction of business therein not provided for in the foregoing rules shall be decided, held, and governed by the Statutes of Ohio; the ordinances of the City and upon all other matters, *Robert's Rules of Order Newly Revised* shall be standard of parliamentary usage.

# Rule 33. Override of Council President

By three-fourths (3/4) vote of all its members, Council may override any decision or ruling by the President.

## Rule 34. Meeting Notices

Notices to continue to hold meetings - Regular, Special, or otherwise - shall be posed at least twenty-four (24) hours prior to such meeting(s) at:

Canal Fulton Public Library
Canal Fulton City Hall
Canal Fulton Police Department
Heritage Square Pharmacy

Chapel Hill Community Canal Fulton Post Office Giant Eagle Supermarket

Such notices shall give the time, place and purpose of such meeting.

This Resolution is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising so that changes can be effective immediately, wherefore, this Resolution shall take effect and be in full force immediately upon its passage.

|   | John Grogan, Mayor   |
|---|--|
| ATTEST:   |  |
| Tammy Marthey, Clerk of Council                                       |  |
| is a true and correct copy of Resolution 1-10, Fulton, on the date of | ty of Canal Fulton, Ohio, do hereby certify that this duly adopted by the Council of the City of Canal, 2010, and that publication of the foregoing docorrect copies thereof at five of the most public uncil as follows: Post Office, Public Library, Giant cy, and entrances to Council Chambers each for a, 2010. |
| Tammy Marthey, Clerk of Council                                       |  |

| 16 | 30 | Dec | 2009 | PAGE: |  |
|----|----|-----|------|-------|--|

|                   | STER BANK - 0002 - City of Canal Fulto |  |  |  |  |
|-------------------|--|--|--|--|--|
| Check. Date       | Non-issued   0.00   VOIDED CHECKS      |  |  |  |  |
| 039542 12-21-2009 | Non-issued                             | 0.00 VOIDED CHECKS                         |  |  |  |
| 039543 12-21-2009 | Non-issued                             | 0.00 FOR TAX REFUNDS                       |  |  |  |
| 039544 12-21-2009 | Non-issued                             | 0.00                                       |  |  |  |
| 039545 12-21-2009 | Non-issued                             | 0.00                                       |  |  |  |
| 039546 12-21-2009 | Non-issued                             | 0.00                                       |  |  |  |
| 039547 12-17-2009 | 09000 AT& T SERVICES                   | 453.63 TAX REFUNDS                         |  |  |  |
| 039548 12-17-2009 | 09000 KENNETH BOWERSOX JR.             | 18.18 "                                    |  |  |  |
| 039549 12-17-2009 | 09000 DOLGENCORP INC                   | 242.20 "                                   |  |  |  |
| 039550 12-17-2009 | 09000 MELVIN JONES JR.                 | 50.00 "                                    |  |  |  |
| 039551 12-17-2009 | 09000 TNT TANNING INC.                 | 30.79 "                                    |  |  |  |
| 039552 12-21-2009 | 00526 DONAMARC WATER SYSTEMS COMPANY   | 11.00                                      |  |  |  |
| 039553 12-18-2009 | 02200 H.H. GREG                        | 449.91 GPS FOR FIRE TRUCKS                 |  |  |  |
| 039554 12-18-2009 | 01672 TAMMY MARTHEY                    | 288.42 PETTY CASH FOR PRESCRIPTION DRUG RE |  |  |  |
| 039555 12-22-2009 | 00486 CTI ENVIRONMENTAL, INC.          | 10184.42                                   |  |  |  |
| 039556 12-22-2009 | 01423 CRAUN LIEBING CO.                | 1234.42                                    |  |  |  |
| 039557 12-22-2009 | 00486 CTI ENVIRONMENTAL, INC.          | 9961.46 MARSHALLVILLE ARRA                 |  |  |  |
| 039558 12-22-2009 | 01797 D.R. EBEL                        | 3163.23 POLICE LIGHT BAR                   |  |  |  |
| 039559 12-22-2009 | 00288 GALL'S, INC.                     | 350.98 POLICE EQUIP.                       |  |  |  |
| 039560 12-22-2009 | 01214 HOMETOWN INSURANCE GROUP, INC    | 14083.93                                   |  |  |  |
| 039561 12-22-2009 | 01510 JEFFERSON LINCOLN INS. CO.       | 160.20                                     |  |  |  |
| 039562 12-22-2009 | 02201 LAURA CYPHERT                    | 88.10                                      |  |  |  |
| 039563 12-22-2009 | 01742 MET LIFE INSURANCE CO.           | 1864.76                                    |  |  |  |
| 039564 12-22-2009 | 00659 HOME DEPOT CREDIT SERVICES       | 78.49 COMMUNITY SERVICE                    |  |  |  |
| 039565 12-23-2009 | 00931 NORTHSTAR ASPHALT CO             | 9178.68 LOCUST STREET RETAINAGE            |  |  |  |
| 039567 12-28-2009 | 02203 C. MASSOUH PRINTING              | 87.00 VEHICLE REPAIR FORMS                 |  |  |  |
| 039568 12-28-2009 | 02195 CROSS COUNTRYMARKETING           | 331.00                                     |  |  |  |
| 039569 12-28-2009 | 00486 CTI ENVIRONMENTAL, INC.          | 9811.95                                    |  |  |  |
| 039570 12-28-2009 | 00554 LAKE BUSINESS PRODUCTS           | 13.19                                      |  |  |  |
| 039571 12-28-2009 | 00498 QUILL CORPORATION                | 22.48                                      |  |  |  |
| 039572 12-28-2009 | 00926 SCOTT M. SVAB                    | 42.78 REIMB. SUPPLIES                      |  |  |  |
| 039573 12-28-2009 | 02202 TEMPO GLOVE MFG. INC.            | 242.42 FIRE DEPT.                          |  |  |  |
| 039574 12-28-2009 | 01817 TOSHIBA BUSINESS SOLUTIONS       | 296.27 COPIER FEES                         |  |  |  |
| 039575 12-28-2009 | 01663 WATEROUS COMPANY                 | 36.71                                      |  |  |  |
| 039576 12-30-2009 | 02204 HALL PUBLIC SAFETY CO.           | 196.00 VEHICLE LIGHTS FIRE DEPT.           |  |  |  |
| 039577 12-29-2009 | 00003 A J DIANA SONS INC               | 14.28                                      |  |  |  |
| 039578 12-29-2009 | 01396 ELAINE WEITZEL                   | 80.00 CONTRACT CLEANING                    |  |  |  |
| 039579 12-29-2009 | 00756 EMERGENCY MEDICAL PRODUCTS INC   | 411.59                                     |  |  |  |
| 039580 12-29-2009 | 01476 INDOFF                           | 564.31 POLICE OFFICE SUPPLIES              |  |  |  |
| 039581 12-29-2009 | 00896 MOTOROLA - KATHI RUSS            | 5100.00 2 POLICE RADIOS                    |  |  |  |
| 039582 12-29-2009 | 00498 QUILL CORPORATION                | 100.27                                     |  |  |  |
| 039583 12-29-2009 | 00404 TRINER OIL CO.                   | 905.67                                     |  |  |  |
| 039584 12-29-2009 | 01556 WITMER ASSOCIATION INC.          | 201.99                                     |  |  |  |
|                   |  |  |  |  |  |

TOTAL \$129,999.60